

**EXHIBIT 4**  
**Improving America's Schools Act, Pub. L. no. 103-382,**  
**Sec. 14512, 108 Stat. 3906**

**Statutory Provision:**

LEXSEE 103 PL 382  
UNITED STATES PUBLIC LAWS  
108th Congress -- 2nd Session  
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ELSEVIER PROPERTIES INC.  
PUBLIC LAW 103-382 [H.R. 6]  
OCTOBER 20, 1994  
IMPROVING AMERICA'S SCHOOLS ACT OF 1994  
*103 P.L. 382; 108 Stat. 3518; 1994 Enacted H.R. 6; 103 Enacted H.R. 6*

"Sec. 14512. <20 USC 8902> PROHIBITION ON FEDERAL MANDATES,  
DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

**Excerpt from House Report 103-425 (February 16, 1994)**

LEXSEE 103 H RPT 425  
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103th Congress, 2d Session  
House Report 103-425  
*103 H. Rpt. 425*

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

**DATE:** FEBRUARY 16, 1994.--Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

**SPONSOR:** Mr. FORD of Michigan submitted the following

**COMMITTEE:** From the Committee on Education and Labor

**REPORT**

[To accompany H.R. 6]

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## SUMMARY

H.R. 6, the Improving America's Schools Act of 1994, reauthorizes most of the Federal Government's programs of aid to elementary and secondary education. These programs are principally included in the Elementary and Secondary Education Act of 1965, and provide approximately \$10 billion of assistance to states and local school districts.

The purpose of H.R. 6 is not only to extend the authorizations of these programs; it is also to reshape these programs so that the Federal Government better assists states and local school districts as they reform the public schools. Most of these programs were fashioned in the 1960's before the current wave of school reform began, and thus they are in need of updating to fit better into how states and school districts are making education more appropriate to meet today's demands.

Last year the House passed the Goals 2000, the Educate America Act, which establishes a new framework for the Federal Government to provide this type of assistance, and H.R. 6 helps to fill in that framework by re-fashioning Federal programs to supplement state and local school reform efforts.

Goals 2000 helps the states to establish high standards for all children, to reshape testing in order to better measure whether children are achieving these standards, and to ease the rules and regulations so that efforts are concentrated on results and not only on technical compliance. H.R. 6 follows through on that bill by refashioning Federal programs so that they assist states to achieve the same objectives.

H.R. 6 amends the array of programs in the Federal Elementary and Secondary Education Act and related laws to require that they support the efforts of the states to have all children attain high standards. Since the 1960's Federal programs have helped to raise the achievement of those who have traditionally lagged furthest behind in the schools. In fact, the only real achievement gains which have been made in the last 20 years have been among those who have been the principal beneficiaries of Federal programs. However, unfortunate, and unintended, consequences for children have resulted from the way in which Federal programs have been structured.

Federal programs now too often lead to the children who are

meant to be the beneficiaries of aid being pulled out of the regular classroom which both stigmatizes these children and disrupts the lessons being provided in the classroom. Another unfortunate effect of the current system is that these children are too often expected to achieve less since they are pictured as being "educationally disadvantaged" and therefore less able.

This bill seeks to remedy these defects by requiring that all children be expected to achieve high standards, even if they are from poor families, from families which do not speak English, or who are otherwise "educationally disadvantaged." It also moves towards providing Federal aid to schools instead of to individual children so that whole schools will be held to bringing all their students up to high achievement, instead of separating the poor, limited-English speaking, or other children with educational problems into separate classrooms and by implication expecting less of them.

The heart of the legislation is to demand greater educational achievement in exchange for much more freedom in the use of Federal funds. The whole bill can be summed up in two words: flexibility and accountability.

The legislation is replete with provisions giving educators the flexibility to combine Federal programs, to use Federal aid in whatever fashion is needed to improve education, and to seek waivers from rules and regulations whenever it is necessary to improve achievement.

But, the accountability is equally clear. If educational gains are not achieved, then school districts are expected to help schools to improve and if there is still not success then states are expected to intervene to secure that result.

H.R. 6 calls for the most important changes in Federal aid to elementary and secondary education since that assistance was first substantially established in the 1960's. The whole purpose is to make Federal programs part and parcel of school reform for all children, instead of being separate programs for special children. But, while blending Federal aid into the general reform effort, there will still be a demand that the children who have too often been left behind will have to be brought up to the same level of achievement as other children. By passing this legislation the Congress will give a substantial boost to improving education for all children, including those who have too often been forgotten.

**Excerpts from House of Representative Debate February 24, 1994**

LEXSEE 140 CONG REC H 798  
CONGRESSIONAL RECORD -- *House*  
Thursday, February 24, 1994  
103rd Congress 2nd Session  
*140 Cong Rec H 798*

**REFERENCE:** Vol. 140 No. 17

**TITLE:** IMPROVING AMERICA'S SCHOOLS ACT OF 1994

**SPEAKER:** MR. BEILENSON

**TEXT:** Text that appears in UPPER CASE identifies statements or insertions which are not spoken By a MEMBER of the Senate on the floor.

[\*H798]

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(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, I really looked forward to this session of Congress primarily because I knew we were going to be reauthorizing ESEA, and Head Start. I looked forward to doing that because others seem to be joining in my crusade to bring about quality in these two areas. In the past, Mr. Chairman, so many times the auditors went out only to look to see whether the pennies went to where someone thought the pennies should go. No one looked to see whether or not there was, in fact, quality in the programs.

Mr. Chairman, I am not condemning the programs. I am saying the programs have not been good enough in order to help the disadvantaged become less disadvantaged, or not disadvantaged at all. Therefore, I looked forward to the fact that we were really going to emphasize quality.

We have spent a total of \$ 38 billion on chapter 1. We have spent a total \$ 27 billion on Head Start. We never recompleted any Head Start Program, and, as I said, the auditors were not looking for quality.

Also, Mr. Chairman, I was pleased that many were joining in with the flexibility chorus to get away from the idea of setasides and the constant idea that categoricals are the only way to go. ;1100

Many others were questioning our micromanaging public education from Washington, DC, and I was happy to hear that.

I would like at this time to praise public education. We spend so much time bad-mouthing public education. It would be well if all Members of Congress would spend perhaps a month in several different schools all day long and just see what it is that a teacher has to go through in a day's time. We act as if something is quite different about

the quality that comes out of a public school than what used to come out. I went to a 2-room eighth grade, and many of those people never went beyond the eighth grade.

They did not have to go beyond the eight grade; they went out and got a job. Now they all go beyond the eight grade, and it makes things very, very difficult.

We have also said to public educators, You have to do everything parents used to have to do," and that makes it very, very difficult for public educators.

I have to say that every time I interview for the Academies, each year the students are better than the students before. They are high-quality students. So I want to make sure we do not spend all of our time bad-mouthing public education, because they do many things well. We can do things to help them do things better. We can also do things to hinder their opportunity if we try to micromanage from Washington, DC.

I want to compliment the staffs from both sides, as Chairman Ford and Chairman Kildee did.

When the bill left the staffs, it was an outstanding bill, and we should have quit at that time. We should have let the staffs bring the bill to the floor. Unfortunately, we had a subcommittee markup and a full committee markup, and then the members got all involved in the situation and messed up the good work the staffs had done in so many instances. We are going to correct that, hopefully, but unfortunately, that did happen.

There have been some disappointments. My first disappointment came, I guess, when the administration combined Eisenhower math and science and chapter 2 into a professional development program. There are many pitfalls in doing that. The first one, of course, is that there are very few good models of professional development out there. My fear was, as I said to Professor Smith, that the same people who sent the teachers out initially will also do this great professional development program. I would hate to see that happen. As I said, there are not many good models out there.

Second, we are really not ready to get into the business of reeducating teachers and helping teachers based on the new standards that are voluntary and that will be much more difficult and tougher than those to which they were originally teaching. So there are many reasons why we should not have gone as rapidly into that area as we did.

Furthermore, many districts have gone beyond professional development already in their reform movement. They are ready for step 3, step 4, and step 5, and we should not hinder that. But, second, there were witnesses at every hearing we had who said how important chapter 2 money was to the whole reform effort. It was the only money that the local districts could get their hands on to try to reform the districts to make them a better school system. Has we not had the support of the gentleman from Michigan [Mr. Ford ] the gentleman from Michigan [Mr. Kildee ] and the gentleman from Ohio [Mr. Sawyer ] we would have been kissing goodbye ;to what every person who testified said about needing chapter 2 money.

I realize that people keep thinking about the chapter 2 program of 10 years ago or 20 years ago, and that it may have been abused or misused, et cetera. It was not the fault of the local districts or the fault of the States; it was our fault on the Federal level. We never told them what it was we wanted them to accomplish when they get to the end of the line. All we sent was money. We never sent the money in a timely fashion. They never had

time to plan how it would be spent. So in NDA and all the other programs we wasted millions of dollars. That has all been changed. In the last 5 years their whole effort with chapter 2 has been, how do you get the school districts to be better school districts so that all students will grow and grow academically. We wanted to ensure they would get a quality education. So that was the first disappointment I had. As I said, hopefully we are on the right track, and thanks again to the Members that I mentioned, we will correct that.

The next disappointment, of course, deals with the end result when the bill came out of full committee in relationship to reinventing Government. Boy, we really reinvented Government in this respect. We have eight new reporting requirements in title I, four in title II, part A, four in title II, part B, one in title II, part C, two in title II, part D, one in title II, part E, one in title III, one in section 4, GEPA, title II, and [\*H805] one in title III, part B. There are 22 new reporting requirements. I do not believe that was what the Vice President had in mind when he was reinventing Government.

The next disappointment came as we were marking-up where we did get into the business of micro-managing-of having mandates without money. We have to stop that. School districts could have done so much better with all of their students if we had not sent them 95 percent of the mandates with relationship to special education, promising them 40 percent of what it cost to educate special education children and only sending them 8 percent. They now have to make up from their local funds most of the money to deal with special education which was mandated by us on the Federal level. Chairman Kildee and I tried for years to get this figure moved up and up so they could take the money they are now spending in that area and deal with the entire reform movement with all of their students. Hopefully we can do something about that.

We also got into the business of certification, and I apologize to my colleagues for all the problems they have had and the telephone calls they have received, because I should have caught that. It came at the eighth hour, I believe, of that particular day in the markup. No one on either side of the aisle or the staffs had seen the amendment, and there was very little discussion. My concern is that we on the Federal level certainly have no business whatsoever in micro-managing a school district and a State in relationship to certification.

Every State has certification standards. In my State, if the school district does not meet them, they lose their State funds. But keep in mind what happens when we micro-manage.

Suppose you have a rural area and you have one section of chemistry. Is this all that chemistry teacher teaches when you pay the teacher \$ 30,000 or \$ 40,000? No, they have to teach general science courses.

They may also have to teach some math courses, as a matter of fact. Let us say you have three sections of chemistry, or four, and the chemistry teacher can only handle three. So you give the fourth section, which would be a general chemistry section, to a general science teacher or to an advanced math teacher. You cannot go out and hire a new certified chemistry teacher in order to teach one section. These are the things we do not think about down here.

You also get most of your retirements from people who decide not to come back to your districts 2 weeks before school opens. Let us say that all of a sudden I lose a Spanish teacher. I have to go out and get the best academically qualified Spanish-speaking person in the district to fill that slot because I cannot steal anybody from someplace else, and you have at least 60 or 90 days, depending on the State. So we have to think about these things when we try to micro-manage from Washington, DC.

Someone even got into the discipline business. We are now going to micro-manage how one disciplines in their districts or in their States. Again we send 5 percent of the money and we want to send 95 percent of the mandates.

I want a coordination of services program because I want to break up those fiefdoms out there. They all have their little fiefdom, and, boy, they do not want to participate or join with anybody else. Well, it is the child we are thinking about, so we need them all working together for the benefit of that child and that family. ;1110

But, I do not want to stir up a hornet's nest in relationship to abortion and planned parenthood. I think we could handle that and not stir that up.

Going then to my hope. My hope is that the corrections that we have agreed to will truly make this a bipartisan bill that every Member will be happy to support. This bill, coupled with what the Senate does and what we will do in conference, will help lead us to a program that is bipartisan, that all can support, that will dwell on accountability, as the gentleman from Michigan [Mr. Kildee ] has said, and that will deal with flexibility. I am sure the gentleman from Michigan [Mr. Ford ] and the gentleman from Michigan [Mr. Kildee ] will work with me in this effort.

We have to understand, there is a new breed of educator out there, very talented, very creative.

We have to give them an opportunity to use that talent and that creativity. I look forward to the markup today and next week and then the conference with the Senate. Hopefully, we will be able to present Members a bipartisan bill that will truly bring about reforms that will deal with quality education for all students, not just some, but all students.

AS THE EDUCATION AND LABOR COMMITTEE BEGAN THE PROCESS OF DRAFTING H.R. 6, WE WERE HOPEFUL THAT WE COULD CRAFT A BIPARTISAN BILL THAT IS REFLECTIVE OF A NATIONAL CONSENSUS ON EDUCATION REFORM. WHILE WE WERE UNABLE TO REPORT A BIPARTISAN BILL FROM COMMITTEE, I AM HOPEFUL THAT H.R. 6 MERITS THE SUPPORT OF ALL MEMBERS BY THE TIME WE VOTE ON FINAL PASSAGE.

LET ME BEGIN BY OUTLINING SOME OF THE POSITIVE ASPECTS OF H.R. 6. I WAS VERY PLEASED THAT THE COMMITTEE ACCEPTED A REPUBLICAN AMENDMENT TO RETAIN A REFOCUSED BUT FLEXIBLE CHAPTER 2 PROGRAM REFOCUSED ON EDUCATION REFORM AND ACHIEVEMENT OF THE NATIONAL EDUCATION GOALS. FUNDS UNDER THIS SECTION MAY BE USED FOR TECHNOLOGY, LIBRARY SERVICES MATERIALS, ASSESSMENTS, AND THE DEVELOPMENT OF INSTRUCTIONAL AND EDUCATIONAL

MATERIALS, AS LONG AS THEY ARE TIED TO OVERALL SCHOOL REFORM EFFORTS.

THIS SECTION SUPPORTS, AND DOES NOT REPLACE, THE PROFESSIONAL DEVELOPMENT ACTIVITIES PROVIDED UNDER THE NEWLY REVISED EISENHOWER PROGRAM. WE BELIEVE OUR PROPOSAL PROVIDES SCHOOLS WITH EXACTLY THE KIND OF FLEXIBILITY THAT IS NEEDED TO SUPPORT PROFESSIONAL DEVELOPMENT OF TEACHERS IN ALL SCHOOLS.

LET ME BE CLEAR ON THIS POINT: I WILL FIGHT ANY EFFORT TO STRIKE THIS SECTION FROM THE BILL, AND I WILL FIGHT JUST AS STRONGLY AN EFFORT TO TIE THE APPROPRIATIONS OF THIS PROGRAM TO THE APPROPRIATIONS OF ANY OTHER PROGRAM, SUCH AS THE NEW EISENHOWER PROGRAM. IF THIS HOUSE WANTS TO REPORT A BIPARTISAN BILL, THE BEST WAY TO DO IT WOULD BE TO RETAIN OUR FLEXIBLE CHAPTER 2 PROPOSAL IN H.R. 6 AS IT IS CURRENTLY WRITTEN. THEN, ONCE H.R. 6 BECOMES LAW, I LOOK FORWARD TO WORKING WITH MY COLLEAGUES TO ENSURE THAT THIS PROPOSAL RECEIVES THE FUNDING IT DESERVES.

I AM ALSO PLEASED BY THE INCLUSION OF THE BROAD WAIVER PROVISIONS IN TITLE IX, WHICH WILL ALLOW SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES TO RECEIVE WAIVERS FROM FEDERAL REQUIREMENTS AND REGULATIONS UNDER THIS ACT WHICH IMPEDE THEIR ABILITY TO IMPROVE STUDENT LEARNING AND ACHIEVEMENT.

I ALSO STRONGLY SUPPORT THE TITLE I FUNDING FORMULA OFFERED BY MR. PETRI AND MR. KILDEE. THEIR PROPOSAL IS FAIR AND EQUITABLE TO ALL REGIONS OF THE COUNTRY. IT ENSURES THAT DISADVANTAGED CHILDREN, BOTH IN URBAN AND RURAL AREAS, WILL CONTINUE TO RECEIVE THE FEDERAL ASSISTANCE THEY NEED. THE KILDEE-PETRI FORMULA RECOGNIZES THAT TITLE I FUNDS SHOULD FOLLOW THE CHILDREN THEY ARE INTENDED TO SERVE, AND THAT FUNDING SHIFTS DUE TO UPDATED CENSUS WILL BE ALLOWED TO OCCUR. THE PETRI-KILDEE FORMULA IS EQUITABLE FOR ALL REGIONS OF THE COUNTRY, AND AVOIDS RADICAL SHIFTS IN FUNDING WHICH COULD DEVASTATE MANY LOCAL PROGRAMS CURRENTLY SERVING CHILDREN.

IT WOULD ALSO CALCULATE GRANTS ON AN LEA BASIS RATHER THAN COUNTY BASIS; CURRENT LAW DISTRIBUTES GRANTS ON A COUNTY BASIS. MANY SCHOOL DISTRICTS IN THIS COUNTRY, SUCH AS YORK CITY SCHOOL DISTRICT IN PENNSYLVANIA, WHICH ARE LOCATED IN RELATIVELY WEALTHY COUNTIES ARE INELIGIBLE TO RECEIVE CONCENTRATION GRANT MONEY EVEN THOUGH THE SCHOOL DISTRICT WOULD BE ELIGIBLE IF FUNDS WERE ;ALLOCATED DIRECTLY TO SCHOOL DISTRICTS BASED ON DISTRICT LEVEL POVERTY DATA. THIS FORMULA WOULD SOLVE THIS PROBLEM AND WOULD MORE PRECISELY TARGET MONEY TO POOR SCHOOL DISTRICTS.



BECAUSE IT IS A PROGRAM OF GREAT IMPORTANCE TO ME, I WOULD ALSO LIKE TO HIGHLIGHT SOME OF THE SIGNIFICANT CHANGES IN THE EVEN START PROGRAM. FIRST, WE HAVE EXPANDED THE PROGRAM TO INCLUDE A HIGH-RISK GROUP, TEENAGE PARENTS. INSTEAD OF WAITING UNTIL YOUNG PARENTS DROP OUT OF SCHOOL, PLACING THEM AT RISK OF UNEMPLOYMENT AND DEPENDENCY ON WELFARE, THEY ARE NOW ELIGIBLE PARTICIPANTS IN EVEN START. THIS WILL PROVIDE THEM WITH THE SUPPORT THEY NEED TO STAY IN SCHOOL AND TO BECOME A TRUE PARTNER IN THEIR CHILD'S EDUCATION, AS WELL AS TO OBTAIN THE EARLY CHILDHOOD SERVICES WHICH WILL ENABLE THEIR CHILD TO START SCHOOL READY TO LEARN.

WE ALSO ACKNOWLEDGE, FOR THE FIRST TIME, OTHER ORGANIZATIONS WHICH HAVE A RECORD OF PROVIDING EFFECTIVE LITERACY PROGRAMS, SUCH AS PARENTS AS TEACHERS, THE HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS, AND THE NATIONAL CENTER FOR FAMILY LITERACY AND HAVE MODIFIED THE LAW TO CLARIFY THE ELIGIBILITY OF THESE ORGANIZATIONS TO PARTICIPATE IN EVEN START ACTIVITIES. WE DO NOT, HOWEVER, ALLOW THESE PROGRAMS TO BE A SUBSTITUTE FOR EVEN START.

IN MY VIEW, THESE PROGRAMS CAN BE USED AS COMPONENTS OF EVEN START, RATHER THAN OPERATING ON THEIR OWN. FOR EXAMPLE, A GROWING NUMBER OF EVEN START PROJECTS USE THE PARENTS AS TEACHERS MODEL FOR THEIR PARENT TRAINING [\*H806] COMPONENT. PARENTS AS TEACHERS IS A WELL-RECOGNIZED, EFFECTIVE PROGRAM. IT IS NOT, HOWEVER, THE SAME COMPREHENSIVE MODEL AS EVEN START. ALTHOUGH I ENDORSE THE USAGE OF THIS MODEL BY EVEN START PROGRAMS TO FILL THEIR PARENT TRAINING REQUIREMENT, I WANT TO STRESS THAT AN EVEN START PROJECT MUST HAVE ALL THREE COMPONENTS: PARENT TRAINING, PARENT EDUCATION, AND EARLY CHILDHOOD DEVELOPMENT TO QUALIFY FOR FUNDING UNDER THIS ACT.

THERE ARE OTHER POSITIVE ASPECTS OF THIS BILL, INCLUDING CHARTER SCHOOLS; STRENGTHENED PARENTAL INVOLVEMENT PROVISIONS THAT PROVIDE LITERACY SERVICES TO CHAPTER 1 PARENTS; A PROVISION ALLOWING SCHOOLS TO USE UP TO 5 PERCENT OF THE FUNDS RECEIVED UNDER THIS ACT FOR THE COORDINATION OF HEALTH AND SOCIAL SERVICES TO MEET THE NEEDS OF THEIR STUDENTS AND THEIR FAMILIES, AND AN IMPROVED CHAPTER 1 NEGLECTED AND DELINQUENT PROGRAM THAT MORE EFFECTIVELY FOCUSES ON THE NEEDS OF TROUBLED YOUTH.

IN ADDITION, WE HAVE PROVIDED ADDITIONAL FLEXIBILITY IN THE BILINGUAL EDUCATION PROGRAM CONCERNING THE USE OF FUNDS FOR SPECIAL ALTERNATIVE PROGRAMS IN INSTANCES WHERE A SCHOOL HAS BEEN UNABLE TO HIRE BILINGUAL TEACHERS OR WHERE THERE ARE TOO MANY STUDENTS WITH A HIGH DIVERSITY OF LANGUAGES AND THEY ARE

UNABLE TO OPERATE A TRANSITIONAL BILINGUAL EDUCATION PROGRAM.

YET, DESPITE THE POSITIVE ASPECTS OF H.R. 6, I CONTINUE TO HAVE CONCERNS WITH OTHER PROVISIONS OF THE BILL. MY FOREMOST CONCERN DEALS WITH THE BILL'S OPPORTUNITY TO LEARN STANDARDS" PROVISIONS. IN MY VIEW, THE OPPORTUNITY TO LEARN STANDARDS" PROVISIONS OF THE BILL REPORTED BY OUR COMMITTEE WERE COMPLETELY UNACCEPTABLE.

IN MY VIEW, OPPORTUNITY TO LEARN STANDARDS REPRESENT A FAILED POLICY THAT IS BASED UPON INPUTS INTO THE EDUCATION SYSTEM INSTEAD OF FOCUSING ON IMPROVING STUDENT LEARNING. I GUESS THE THING THAT BOTHERS ME THE MOST IS THIS: WE KNOW FROM YEARS OF RESEARCH THAT PROVIDING A CHILD WITH AN OPPORTUNITY TO LEARN IS FAR MORE COMPLICATED THAN EQUALIZING SCHOOL RESOURCES.

THE OPPORTUNITY TO LEARN STANDARDS IN H.R. 6 WOULD HAVE FORCED THE ENTIRE EDUCATION COMMUNITY INTO AN ENDLESS BUREAUCRATIC DEBATE ABOUT THE CREDENTIALS OF SCHOOL PERSONNEL AND COUNTING PIECES OF CHALK AND SCHOOL SUPPLIES. LIKELY TO BE LOST IN THIS NEVER-ENDING DEBATE ABOUT INPUTS IS HOW TO HELP KIDS LEARN WHAT THEY NEED TO KNOW TO BE PRODUCTIVE CITIZENS. THAT IS HARDLY A WAY TO HELP POOR SCHOOLS PROVIDE A BETTER EDUCATION FOR THEIR CHILDREN.

I AM PLEASED TO BE OFFERING A COMPROMISE AMENDMENT WITH CHAIRMAN KILDEE TODAY THAT WILL ADDRESS MANY OF THE CONCERNS I HAVE RAISED WITH REGARD TO THIS PROVISION. THIS AMENDMENT DOES THE FOLLOWING: IT MAKES IT CLEAR THAT THE IMPLEMENTATION OF MODEL OPPORTUNITY TO LEARN STANDARDS" ARE VOLUNTARY AND NOT MANDATED; IT NARROWS DOWN THE ORIGINAL LIST OF EIGHT STANDARDS THAT A STATE MUST DEVELOP TO JUST TWO; IT GREATLY LIMITS THE PAPERWORK BURDEN ON SCHOOLS AND LOCAL EDUCATION AGENCIES; IT RETAINS THE PROVISION IN THE BILL SAYING THAT THE SECRETARY MAY NOT DENY TITLE I FUNDS TO A STATE BASED UPON THE SPECIFIC CONTENT OF ITS OPPORTUNITY TO LEARN STANDARDS;" AND, IT CLARIFIES THAT MODEL OPPORTUNITY TO LEARN STANDARDS" CANNOT BE ENFORCED THROUGH LITIGATION AND CANNOT BE USED TO MANDATE EQUALIZED SPENDING IN STATES.

I CONTINUE TO BELIEVE THAT OPPORTUNITY TO LEARN STANDARDS" SHOULD BE COMPLETELY VOLUNTARY AND THAT, IN THE BEST OF ALL WORLDS, THEY WOULD NOT BE IN THIS BILL AT ALL. HOWEVER, IN THE SPIRIT OF COMPROMISE, I BELIEVE THAT THIS PROVISION IS ACCEPTABLE FOR THE PURPOSES OF HOUSE CONSIDERATION OF H.R. 6.

AS MEMBERS OF THE HOUSE KNOW ALL TOO WELL, ANOTHER MAJOR PROBLEM WITH H.R. 6 CONCERNS ITS IMPACT ON HOME SCHOOLS. I

STRONGLY SUPPORT THE RIGHT OF HOME SCHOOLERS TO BE FREE FROM FEDERAL REGULATORY AND STATUTORY INTRUSION, AND I AM PLEASED THAT AMENDMENTS WILL BE OFFERED TO MAKE IT CLEAR THAT THIS BILL WILL HAVE NO EFFECT ON THE ABILITY OF PARENTS TO PROVIDE A HOME-BASED EDUCATION FOR THEIR CHILDREN.

I AM ALSO CONCERNED THAT H.R. 6 CREATES TOO MANY UNNECESSARY CATEGORICAL PROGRAMS THAT ADD UP TO MORE THAN \$ 1 BILLION OF ADDITIONAL AUTHORIZATIONS THAT, IF FUNDED, WILL ATTRACT NEEDED SCARCE DOLLARS AWAY FROM MORE WORTHY PROGRAMS LIKE EVEN START, TITLE I, CHAPTER 2, DRUG-FREE SCHOOLS, AND OTHER IMPORTANT PROGRAMS THAT HAVE TRADITIONALLY BEEN PRIORITIES FOR REPUBLICANS AND DEMOCRATS ALIKE. THAT, OF COURSE, IS THE LAST THING ANY ONE WANTS.

ANOTHER OBJECTION TO H.R. 6 IS THE FAILURE OF THE COMMITTEE TO ACCEPT LANGUAGE WHICH WOULD PROHIBIT THE USE OF FUNDS APPROPRIATED UNDER THIS ACT TO PROVIDE FAMILY PLANNING AND HEALTH REPRODUCTIVE SERVICES AS PART OF COORDINATION OF SERVICES PROJECTS FUNDED UNDER THIS ACT. AN AMENDMENT WILL BE OFFERED TO RECTIFY THIS SITUATION LATER IN THIS DEBATE.

IN CONCLUSION, THIS BILL AFFECTS ALMOST EVERY AMERICAN PUBLIC SCHOOL, AND IS THE LAST REAUTHORIZATION THAT WILL HAVE ANY EFFECT ON OUR EDUCATION SYSTEM BEFORE THE BEGINNING OF THE 21ST CENTURY. THE ONLY WAY REAL CHANGE IN EDUCATION OCCURS IS WITH BIPARTISAN POLITICAL SUPPORT AND OWNERSHIP FROM THE EDUCATION COMMUNITY. I REMAIN HOPEFUL THAT WE CAN WORK OUT OUR DISAGREEMENTS SO THAT THIS BILL IS ABLE TO GAIN BROAD, BIPARTISAN SUPPORT.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. Gunderson ], a very active member of the Committee on Education and Labor, who usually comes and stays during the entire time.

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Chairman, the kind remarks by the gentleman from Pennsylvania are only reflective of the esteem, friendship, and respect that I have for him and also for the gentleman from Michigan [Mr. Kildee ] and the gentleman from Michigan [Mr. Ford ].

I have to tell Members that they may not always agree with the outcome but they will never find three men more committed to the education of our country than these three individuals. It has been a privilege to work with them.

I thought I would, this morning, share with my colleagues, as we discuss and begin to discuss the reauthorization of elementary, secondary education, the Business Week front page cover article this week: The Learning Revolution." Because we are at the point of history today.

This is the last reauthorization to have any impact on the structure of America's education delivery system, as we enter the 21st century. That is why it becomes so essential that education policy be done in a bipartisan manner.

Yesterday we were in a meeting trying to resolve one of the contentious issues, and someone asked Secretary Riley what his position was. And he said, to his credit, My position is to work this out so that we can have bipartisan support for education." That is why I think Members on both sides of the aisle have such high regard for this man and his leadership at the Department, and that is why it is incumbent upon each and every one of us to figure out how we can do that.

President Bush, to his credit, and now followed by President Clinton began that attempt at bipartisan revolution in education through the Goals 2000 program that hopefully we will enact in the near future.

There are no less than 110,000 public schools in this country that will be affected by this legislation. In my State of Wisconsin, there are 428 public schools.

I want my colleagues to know that literally half of those public schools have less than 1,000 students in their enrollment, which means that we must be very careful as we answer those basic questions of how do we provide the leadership and structure for 21st century education without suffocating and killing local education in the process so that all our educators do is comply with rules, regulations and paperwork and never have the time to do the all important business of educating and preparing not only our children but, in the 21st century, also our adults for the lifelong learning components of a 21st century, high technology, global education criteria.

The basic program of Federal aid to education is obviously the chapter 1 or title I program which responds to the educationally disadvantaged children of our society. There is an attempt in the legislation in front of us to try to extend the purpose of this bill as a condition for literally schoolwide reform.

The questions we must ask ourselves in this process, as we attempt to improve the title I program, is, will these reforms be voluntary or mandatory? Will they be done through simply standards and assessments? And if those standards and assessments are developed, and should they be developed at the Federal, State, or local level, and who will comply and enforce those particular programs?

We will hear a lot of debate as we go forth over a chapter 1 formula that is being changed in this bill. Let me simply say, there is no such thing as a fair and good chapter 1 formula, and we will never resolve that issue until the last point of conference and even, perhaps, at that point in time.

More important, I think, is how we allow schools to use money they get, which for most schools will unfortunately be less money than they have had in the past. I have many school districts that receive less than \$ 30, 000 a year in their chapter 1 program. We [\*H807] must be very careful that we do not pass 17 pages of new legislative mandates and reporting requirements on a local school district that receives that amount of money.

The second thing we must understand is that as much as we want to encourage reform, we must recognize that reform means flexibility. It means allowing local schools, wherever they might be, to pioneer in unique and different ways.

That is why chapter 2 is so essential to the final outcome of this legislation. I have been a strong advocate of chapter 2, because it allows every school in this country the unique flexibility to do what is necessary to upgrade their school reform programs.

In Wisconsin, literally 275 schools last year used their chapter 2 funds for technology and computer upgrading. This is the only place where we give schools that kind of flexibility to respond to the unique needs of those particular programs.

One of the amendments which is included in the present chapter 2 and which we will offer as a separate title in this legislation is 21st century community learning centers. We must recognize that in the 21st century, school boundaries, school buildings, school subjects and school students, as we know them today, are all going to be outdated by the technology revolution. We must empower and enable our schools to respond and meet those challenges through these kind of changes in public policy.

There will be a number of amendments that I hope will be adopted on a bipartisan basis. I tell Members, as we begin consideration of this bill, unfortunately the legislation coming from the subcommittee and the full committee did not receive the support of many Republicans, myself included, because we saw it as too little flexibility, too little money, too much regulation, paperwork, and bureaucracy.

I am hopeful that the negotiations that have occurred over the last few days and will continue on to next week will allow us to solve the home school problem, will allow us to make sure that the opportunity to learn standard is truly voluntary and will make sure that we take the other steps to guarantee schools the flexibility necessary to become the 21st century learning centers we want them to be.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

I would like to commend the gentleman from Wisconsin. He played a very major role in the postreporting period of the bill and negotiating two very different areas. He was available. He came up with great ideas, and he is to be commended.

He wanted, I think, from the very beginning to be able to come out here with a bipartisan bill. I think through his negotiations in the postreporting period, along with those of the gentleman from Pennsylvania [Mr. Goodling ], we will have that bill. I commend him for that.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. Barrett ].

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in opposition to H.R. 6, a bill that, as currently drafted, is an attempt to federalize the delivery of education in America.

H.R. 6 mandates that local schools meet yet-to-be developed opportunity to learn standards [OTLS].

The Federal Government likes to establish standards, but we cannot seem to find a way to pay for them. Do I need to remind my colleagues of the millions, if not billions,

that local school districts have had to fork over to meet Federal asbestos removal standards? A laudable goal, but one that has been unfunded.

Well. H.R. 6 is the asbestos removal approach to education. It provides all the mandates, but no money to pay for them. The Federal Government makes a multitude of new demands, but it is accountable for none.

Like all Members of the House, I have heard from hundreds, if not thousands, of constituents concerned with the home schooling provisions in the bill. Let me simply say this-

I firmly believe that States and local governments are best suited for establishing curriculum, teacher certification, and school academic standards. The Federal Government has no business whatsoever, beyond current civil rights law, to impose its imprint on these so-called sacred areas of education.

I'm hopeful that during this debate, we can come to an accommodation, on this issue, so that we can get on to other issues such as addressing the opportunity to learn standards, eliminating the litany of new Federal education programs, and creating a more flexible approach to Federal education policy.

Let me also touch on an issue that we'll be debating when I offer an amendment to title IV of the bill, which reauthorizes the Drug Free Schools and Communities Act.

It's a bipartisan amendment that would restore the Governor's share to drug free schools at 20 percent, and establish a nonpartisan advisory committee that would map out the funding uses of the Governor's share.

H.R. 6, on the other hand, creates a new bureaucratic requirement that local schools spend a portion of their limited Federal drug free moneys for community outreach. The Governor's share is already doing just that very successfully in many States.

Mr. Chairman, as the gentleman from Wisconsin said, this will be Congress' last attempt, before the year 2000, to greatly influence the education reform movement. I hope that it's a good influence and not another heavy handed, mandating, and complicating Federal approach to education.

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Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished [\*H808] gentleman from North Carolina [Mr. Ballenger ].

Mr. BALLENGER. Mr. Chairman, I rise in opposition to H.R. 6 and urge my colleagues to vote no" on this bill called the Improving America's Schools Act of 1994. We would be hard pressed to think of a more inappropriate name for a bill that is nothing more than a power grab by the education bureaucracy.

It is amazing that Washington still does not get it. True education reform must be driven locally, by parents, teachers, local administrators, and the community as a whole. It is ludicrous to think that the Federal Government can successfully reform our failing public education system by setting a single uniform model for reform when our schools, school districts, and communities are as varied as the East is from the West.

An article in yesterday's Wall Street Journal bears witness to the fact that the education unions are unwilling to allow true education reform. They would rather maintain the failing status quo. Every time a truly innovative idea is brought up, the teachers' unions intimidate the majority in this body into imposing conditions that limit the success of reforms. Unwilling to relinquish their power to parents, principals, local administrators, and the communities in general, the education establishment maintains a vice-like grip on our schools.

H.R. 6 will do little to improve America's schools. It contains opportunity to learn standards which will do nothing to help children learn and instead, focus the energies of educators on endless bureaucratic debate about the condition of school facilities, professional development, the alignment of instructional practices with content standards, and the extent to which schools do not discriminate based on gender in policies, curricula, and instructional practices. While these are important, they are not essential to the education of America's children.

The compromise amendment that will be offered later in the debate will not change the fact that opportunity to learn standards will do nothing to help children learn. Making the standards voluntary simply delays what will inevitably turn into an unfunded mandate on the States.

H.R. 6 devalues the teaching of educational basics and fails to promote true education reform by omitting support for public and private school choice. It claims to enhance parental involvement, but in reality, it further demotes the role of parents in the education of their children. During the committee markup of the bill, an amendment that would have allowed parents to withdraw their children from activities they view as adverse to their children's personal beliefs was defeated. This is just one example of hostility toward parents embodied in this bill.

This bill was brought to the forefront by a group of educators who are normally silent on the content of Federal education bills. The home-school community has done a commendable job of making us all aware of provisions that would adversely affect them. While I believe strongly that we must protect the rights of parents to educate their children as they wish, I find it unfortunate that only the home-school provisions in this bill will be fixed. The fact remains that this bill is, in its entirety, caters to the education bureaucracy and epitomizes micromanagement by the Federal Government. The opportunity to learn standards continue the dangerous trend of avoiding the difficult task of enacting true education reform. We must stop passing bills that repeat the mistakes of the past. We must stop sanctioning failed policies by renaming them and declaring them the solution.

Mr. Chairman, I urge my colleagues to vote no" on H.R. 6. Even if we pass all the so-called perfecting amendments being offered today, the fact remains that this bill is bad policy for education, for our children, and for the Nation.

Mr. KILDEE. Mr. Chairman, I yield 12 minutes to the gentleman from New York [Mr. Owens ].

Mr. OWENS. Mr. Chairman, I want to begin by congratulating the chairman of the committee for his patience and his long perseverance on the effort to bring this bill to the

floor. The hearings started in the early part of last year, and the deliberations continued up until the present, giving opportunities for all parties to be heard.

I want to congratulate Mr. Kildee and congratulate his staff, and all of the staff of the various subcommittees that worked on the bill. The kind of monumental labor that went into this bill lets it be known that it is a big lie that the staff does very little, or we need less staff, or staff is irrelevant. Staff is very vital, and without well-qualified, knowledgeable staff, we would not have been able to produce this bill. ;1130

All those who want to cut legislative staff should realize that they would be cutting very much into the quality of the production of good legislation for the American people.

I want to also make some general comments about the legislation before I talk specifically about the section which deals with drug-free schools and safe schools. I would like to say first that this is one component, the Elementary and Secondary Education Act is one component of the overwhelming effort that will be needed in America in order for us to revitalize our education system and be able to go into the year 2000 and the new world order with a system which is capable of meeting the needs of the new world order.

Now we have a real problem in that the involvement of the Federal Government is so minimal in education. We can increase that involvement and could increase that involvement greatly and still not at all tread on the feet of the prerogatives of local education boards and policymakers. I am all in favor of much more involvement, and even if we increase the Federal expenditure in education from the current 6 percent to 25 percent of overall educational expenditures in the country, it would still be only a small part of it, and 75 percent is still left for State and local government, which means they have 75 percent of the decisionmaking, 75 percent of the control. There is no threat to control if the Federal Government has greater involvement.

Education is a very important part of our national security. We do not need a bloated CIA anymore. But we do need to understand that a well-educated population is our first line of defense. We need to understand that in the global competition that we talk about all of the time, economic competition, competition for influence, competition for the minds of the people of the world, we are going to have to have a very educated population. We are up against nations who generally are more involved, their central government is more involved in education and our Government is not involved. The performance of our educational system as a result I think is much less than it could be. We are behind France, we are behind Japan, we are behind Great Britain in terms of the quality of the products that come out of our public school systems. We need this comparability with other nations. It does not hurt to have the Federal Government get more involved. Both the last President and the present President recognized that, and all ;of the Governors throughout the States recognize the need to get the Government more involved.

The Governors' Conference came out with six goals. I am all in favor of those goals. They came out with a proposal that we have standardized content in our curriculum so that those goals could be met. I am all in favor of that as long as it does not go overboard and cramp creativity at the local level.



They also want standardized testing and assessments to be uniform across the country, basically, or to have a lot in common even though they may not be the same from State to State. They want to impose this testing, this assessment on the children to see how well they have stood up under this standardized approach and met the requirements of this standardized curriculum. I say that is OK too.

There is a third element necessary, however, and that has become very controversial. We heard it mentioned a couple of times already. The third requirement should be that we need a standard that we hold up to the various local education agencies and States in terms of the provision of an opportunity for children to learn. We know they need to have what is necessary to [\*H809] meet those goals that we want met. They need, in order to pass the test that we are going to give: They need to be able to have the best books in the library; they need to have the best equipment possible in the science laboratories; they need to have basically safe schools where lead poisoning and asbestos are not a problem. All of these things have to be a part of our consideration of going forward with revitalizing America's schools.

If we have standards for content which are uniform throughout the country basically, if we have standards for testing which are uniform throughout the country basically, and we give tests based on the children's ability to comprehend that curriculum, I can tell Members right now where most of the failures would be. We know where the failures would be. They will be in the areas where the teachers are not qualified. They will be in the areas where the library books are 30 years old. They will be in the areas where there are no science laboratories. We can tell. So it is necessary to have the third set of standards. They are no more mandatory than the first two. The first two are not mandatory and neither are the opportunity to learn standards. These are really models that are set forth as to how we should go about approaching, providing the delivery system for young people so that we are not inflicting upon young people a set of tests, required tests, and not giving them the means to meet those standards in those tests.

I agree we should have uniform standards a curriculum which prepares our youngsters to meet the competition of the new world order. Geography is one of those subjects. We are going to have a requirement that all youngsters learn geography, and great. But the geography books in most of the libraries in my congressional district are 30 years old. The history books are 30 years old in the libraries. If they are going to learn geography from 30-year-old books, we know the geography that they learn will be dead wrong. It is important to know geography in order for us to compete if we are trading worldwide in the markets of the world. And it requires that we understand the psychology of the people that we are dealing with. And our diplomacy requires that we understand the religion and the culture of the people we are dealing with. We made enormous mistakes in foreign policy because we did not understand the Middle Eastern culture or the Far Eastern culture. We only understood Western cultures. There are many reasons why it makes sense to have these new content standards, and it makes sense to have a set of assessments so ;that we can find out whether schools and school districts and States are really seriously trying to meet those standards.

But the third part is also very much necessary. The children of America will look at the Governors and the President and the Members of Congress and say, as the little kid in Hans Christian Andersen's tale said, that the emperor has no clothes on. If we are really

concerned about reform and really going to promote reform, really going to help revitalize our schools, and the children will say if you really want to help us go into the year 2000 and the new world order and be able to compete with a magnificent world-class education, then you cannot do that without having some considerations given to what it takes in order to meet those kinds of standards and what children have to have: laboratories, books, equipment, teachers who are teaching science who majored in science in college, or teachers who are teaching math who majored in math in college.

A survey was done in New York City a few years ago by the Community Service Society which showed that in two-thirds of the city where the students were predominantly African-American and Latino, none of the teachers who were teaching science and math in junior high school had majored in science and math in college. How can those students take tests and meet world-class standards if they do not have teachers who know the subjects they are teaching?

The emperor has no clothes on, 50 Governors have no clothes on, the President has no clothes on, and Members of Congress have no clothes on if they are going to go forward with educational reform and leave out this vital component.

So we will talk more about that in greater detail later. But it is very important to let us get off to a good start in understanding that we cannot swindle; we should not promote a program which swindles the American children. The children of America deserve better. They need a truth in educational reform approach, and what this opportunity to learn standards does is to give us truth in educational reform. There can be no educational reform truly unless we have the opportunity to learn standards.

Finally I would like to talk about the section of the bill which was under the jurisdiction formerly of the Subcommittee on Select Education and Civil Rights, the drug-free schools bill, which is a magnificent effort by our Congress, launched some years ago to meet a pressing need, and has had a mixed success. We know from our hearings that in some places they have done magnificently well in taking very minor amounts of money and turning those minor amounts of money into real programs that have made a difference in terms of changing the drug culture that was developing in our schools.

The problem stretches from one end of America to the other. It is in the rural areas, the suburban areas, and the inner city areas. In all of these areas we have had various programs which are model programs, and we are going to continue those model programs. ;1140

The drug-free schools programs will continue, and the impetus, the initiative that started the drug-free schools will now be expanded into safe schools.

The sixth goal that the Governors and the President came up with was that we should have safe schools and safe school environments, drug-free schools and safe schools, and to meet that, the drug-free schools initiatives is being folded in under the Elementary and Secondary Education Act along with a new initiative called safe schools which will merge, and all of it will be designed to deal with the pressing problem in our society of youngsters who are being misled by the appeal that they are bombarded with by mass media, being misled by their peers who are yielding to a more glamorous and seemingly

exciting lifestyle and we need to anchor in the schools some of the things related to values that have not been done in the homes.

The Safe Schools Act, for example, is an act which provides an opportunity for schools to become as creative in the area of safe schools in general as they were with drug-free schools, so they can come forward with a plan of their own.

None of the money can be used to buy hardware like metal detector machines, so the onus is on the school systems, the teachers, the parents all to come forward with ideas which deal with changing the mindsets of our youngsters. I founded a group called the Martin Luther King Commission in central Brooklyn, and that commission focuses on a number of initiatives to improve education. One of the actions is moving into the schools with a curriculum of nonviolence, a curriculum of conflict resolution, projects to promote conflict resolution. We have an essay contest every year, and we give away \$ 10,000 in prizes for youngsters who write on the subject of how to resolve conflicts and various aspects of Martin Luther King's nonviolent approach to problem solving.

There are many ideas like that out there, many approaches.

The best of them should be allowed to flower, and then we should replicate them.

This is a great bill we have here today. I urge all of my colleagues to pass the bill basically as it is.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cunningham ], a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, like all bills, there is not all bad in this bill, and there is not all good.

First of all, this is my sophomore year, and this bill, I think, the chairman, the gentleman from Michigan [Mr. Ford ] and the gentleman from Michigan [Mr. Kildee ] have worked harder on this bill to make it a bipartisan bill than they have in the past. I [\*H810] want to thank my colleagues for that. They have worked out a lot of compromises.

The gentleman from Pennsylvania [Mr. Goodling ], the Republican leader on the Education Committee, has worked with the majority party, and I think there are many good things in this bill.

Title I funds for underprivileged children: It was targeted to the inner cities which took away from the amounts of dollars for the rural areas and also the suburbs. A poor child in those areas is just as important as a poor child in the cities, and my colleagues on the other side of the aisle, the gentleman from Michigan [Mr. Kildee ] along with Dr. Payzant and Secretary Riley, worked out a compromise formula, and I believe in targeting, the moneys were not taken away from the rural areas. That was fantastic.

The bipartisanship that went on was good in the bill.

The impact aid, although underfunded, there was a compromise, and an amendment was removed which in my opinion made the bill a little more palatable.

The Eisenhower plan, which allows for teacher training and upgrades so that our students get better training, those are all good. But quite often the Government gets involved to where the moneys we give to the schools are eaten up by the advanced paperwork. If you can imagine giving a school, say for example, \$ 20,000 in an opportunity to learn program, and then you mandate so much paperwork and bureaucracy that those dollars are eaten up, we take away the original process and the reason why we are trying to give those funds.

The opportunity to learn provisions in H.R. 6 are much more threatening to State and local education officials than the same provisions we saw in Goals 2000 language. These standards are not voluntary, and unfunded mandates, and all of us talk about unfunded mandates, and we will not support them.

Opportunity to learn, as it exists, is unfunded and is a bad portion of this bill. I hope we can work out some compromise, Mr. Chairman.

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Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Weldon ].

(Mr. WELDON asked and was given permission to revise and extend his remarks.)  
;1150

Mr. WELDON. Mr. Chairman, let me first rise and commend the gentleman from Michigan [Mr. Kildee ], for his leadership in this effort and the gentleman from Pennsylvania [Mr. Goodling ], for his leadership.

[\*H811] Let me say that some of our colleagues here just do not get it when it comes to education. I rise in support of many of the provisions in this particular legislation primarily because I guess I am one of the few Members of Congress who was not an attorney before coming here. I am a classroom teacher. I spent 7 years in some of the most depressed communities in Pennsylvania, not only teaching in the classroom but running for 3 years a Chapter I Program, then called title I. I also worked on the ESEA title III program back when it was first established.

I applaud the committee's action which they have taken in regard to chapter I, now title I. It is a great program. It works. Educationally and economically deprived kids are being helped. It is a proper role for the Federal Government. We should support it, and I do support it.

We should support chapter II. It is a good program. If you listen to your local school boards and teachers, they will tell you the one positive thing they have coming from Washington is the ability to buy new technology, to improve and build innovations; and chapter II does that. This committee in this legislation has done a great job.

But, you know, Mr. Chairman, as I listen to people around the country and look at property taxes in Pennsylvania, we do not get it down here, because the biggest problem with local education-and I say this as a former vice president of my education association-is not that we need more money, it is that we need less mandates.

We have got to understand in America the bottom-line message coming from school boards and coming from teachers is, Don't mandate something on us unless you are willing to pay for it."

Mr. Chairman, I will at the proper time include in the Record a letter to me from the mayor of Philadelphia, Edward Rendell, who said in 1960 there were two mandates on State and local government, in 1990, 61-a 3,000 percent increase.

The Governors' Association, the Mayors Association estimate \$ 54 billion of costs we pass on to the local schools because we mandate everything from asbestos removal to underground storage tanks, to special education, which I support but which we do not fund fully. It has got to stop.

The one onerous provision of this legislation that has got to be dealt with is the opportunity to learn standards. Make no mistake about it, we cannot advocate something unless we are willing to pay for it. If you are not willing to put your vote up to pay for a program, do not tell State and local governments that they have to do it, because all you do is compound the problem. You cause outrageous frustration with local school boards, you have the teachers blamed for the increased costs of education, when the bulk of the problem lies right here in this Chamber.

We are the cause for the excess costs of public education in America. We still do not get it. Some of us still want to think that central planning and central control is the way to improve and control the public schools of this country. That is not what we are hearing across America, and I urge my colleagues to support the legislation because it does many good things, but to support the amendment to remove the opportunity to learn standards. That is not what our system is about, that is not what our people want, and that is not what our educational leaders want.

Office of the Mayor,

Philadelphia, PA, October 26, 1993.

Hon. Curt Weldon,

House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Curt. As you know, unfunded federal mandates are placing an increasingly unfair burden on state and local governments. The U.S. Advisory Commission on Intergovernmental Relations reports that federal laws regulating state and local governments increased from 2 in 1960 to 14 by 1990, 36 by 1980 and 61 by 1990-a 3000% increase. By being forced to comply with such mandates, state and local officials must reprioritize budget decisions and, as a consequence, many valuable programs suffer from lack of funding. We are often forced to reduce the number of police and firefighters that protect our city as well as funding for sanitation, recreation, parks, libraries and health care in order to pay for the cost of these unfunded mandates. I am enclosing background materials that more fully detail the magnitude of the problem.

Fortunately however, legislation has been introduced that offers a possible solution to this problem: Senator Kempthorne's Community Regulatory Relief Act-S. 993 (attached). This bill requires Congress to assume all costs for any mandate it wishes to impose on state and local governments.

I urge you to do everything you can to ensure that this bill is enacted. Your support of this important piece of legislation will enable elected officials nationwide to regain control of significant portions of their own budgets and to better respond to the needs of their communities. If you need any additional information regarding federal mandates, please contact Mark Gaige of my staff at (215) 686-2060.

Sincerely,

Edward G. Rendell,

Mayor.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Fawell ], a member of the committee.

(Mr. FAWELL asked and was given permission to revise and extend his remarks.)

Mr. FAWELL. I thank the gentleman for yielding to me.

Mr. Chairman, I am not able to support H.R. 6 at this time, but I am hopeful that things can be worked out so that it is legislation that I can support. We will see what happens.

Mr. Chairman, I rise in opposition to the current draft of H.R. 6. First of all, I would like to express my support for Congressman Armey 's efforts to correct a serious flaw in the bill, thereby protecting home schoolers from Federal regulation. I have received hundreds of calls from parents who have opted to teach their children at home, because of concerns they have regarding the quality of public schools or subject matter taught at public schools. The Federal Government has no basis for regulating these parent-educators and schools. Requiring that home schoolers be certified in every subject that they teach would effectively eliminate the ability of parents to teach their students at home.

With regard to H.R. 6 as a whole, our staffs have worked in a bipartisan fashion throughout the last several months to craft legislation to provide continued Federal aid to elementary and secondary schools, and assist States and localities with their efforts to reform their schools. The resulting reauthorization proposal enjoyed the support of the vast majority of our committee's membership.

I recently met with a group of educators in my district regarding this proposal, and the Goals 2000 legislation. Many stressed that failed reforms at the local level were usually the result of a lack of broad-based community support behind the reform efforts. Unfortunately, we have experienced the same problem at the Federal level. Despite the existence of broadly supported national education goals since 1989, we have been unable to agree on consensus legislation to codify these goals and help the localities to meet them. The Nation's children have suffered from our inability to forge a consensus on this important issue. With this in mind, I was extremely pleased that our committee was working in a bipartisan fashion on this important legislation.

Regrettably, this bipartisanship broke down during the committee markup of H.R. 6. Unfortunately, as the bill moved through the committee process, the proposal was loaded down with a teacher certification requirement which could apply to home schools, increased paperwork requirements, Federal mandates, \$ 1.1 billion in new programs

which will compete with existing and widely supported programs for scarce Federal dollars.

Like Goals 2000, the most controversial element of the proposal is the opportunity to learn [OTL] standards added by the Owens amendment during committee consideration. The philosophy behind OTL standards is that if a school does not provide resources deemed necessary by the Federal Government and the State, we cannot expect children to be able to learn. At

President Bush's 1989 Education Summit with the Governors-including then-Governors Bill Clinton and Richard Riley-all participants agreed that the Nation's schools needed better results, not just more money. National content standards-what we expect students to know-would be set at world-class levels, and assessments would be used to determine whether students were mastering the curriculum. Teachers and principals would be [\*H812] given the necessary flexibility to find new ways of making their schools work, but would be held accountable for increased student achievement. Opportunity to learn standards represent would abandon this emphasis on results to emphasize school inputs.

As a result of the OTL standards, States would be required to develop school delivery standards addressing eight specific areas, including the quality and availability of curriculum; the access of teachers, principals, and administrators to professional development programs; the quality of school buildings; and any other factors which a State decides upon.

These standards are not voluntary. State education agencies will be required to develop them, and if a State does not, the Secretary of Education can withhold all of the State's chapter 1 allocation. Each State, local education agency, and school will have to review all of their policies, curricula, and instructional practices to ensure they are providing an opportunity to learn. In effect, the Federal Government will mandate that schools provide up-to-date textbooks, new computers, laboratory equipment, teacher training programs, building repairs and construction, and new gender equity programs without providing any funding for these purposes. This is precisely the type of unfunded mandate which our Governors and mayors have rebelled against. As Roy Romer, Colorado's Democrat Governor recently argued, "You don't want to get into the business of defining how many textbooks we have, and we don't want to get into the business of filing out forms."

Furthermore, these standards will result in a flood of lawsuits against States, local education agencies, and schools. An Alabama State court recently ruled that the K-12 State school system is unconstitutional because it does not provide students with an adequate education. Virtually all State constitutions require that States provide students with an adequate public education. If we provide an operational definition of what constitutes an adequate education, we invite parents and interest groups to sue schools which fail to meet the required standard. Likely to be lost in the effort to meet these opportunity to learn standards is how to help children with what they need to know to be productive citizens and workers.

For too many years, we have attempted to measure the quality of our schools by measuring inputs such as the credentials of school personnel, teacher-student ratios, and

the amount of money spent per pupil. Despite these standards already utilized, few would argue that our schools are doing the job to prepare students for success in an increasingly competitive world. In fact, the American Legislative Exchange Council [ALEC] and Empower America recently released a report, Report Card on American Education 1993," which reveals that despite a 62-percent increase-in constant 1992 dollars-in education funding over the last 20 years, there has been no significant improvement in student performance. In addition, the report found no statistical correlation between per-pupil expenditure and student achievement. In fact, Utah which had the lowest average per-pupil expenditure of any State, also had the fourth highest SAT scores and ranked eighth among States in the National Assessment on Education Progress.

Mr. Chairman, I am hopeful that the opportunity to learn issue, and other problems in the bill such as its potential for increasing regulation on private, parochial, and home schools can be corrected through amendments. Regrettably, if this is not the case, I will be forced to vote against H.R. 6.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. Miller ], a member of the committee.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, H.R. 6 cannot pass the House in its current form. Somewhere along the line the bill lost track of our tradition of allowing States, local school boards and families to develop education policy and, instead embarked on a mission to intrude and mandate educational policies on a national level.

The 1994 legislative agenda is certainly the most aggressive since the Great Society days of the 1960's or the New Deal days of the 1930's. With health care reform, welfare reform, and a major crime bill, we will be busy. The major debate on these issues focuses on the role of the Federal Government versus the local and State governments. The role of the Federal Government was greatly expanded in the Great Society days of Lyndon Johnson and today we are looking at a bill that makes a giant Lyndon Johnson leap to increase the role of the Federal Government in elementary and secondary education.

Like the other members of the committee committed to the ability of local school boards to develop appropriate education policy, I voted against reporting this bill to the floor. The bill has too many mandates that are both excessive and intrusive.

The bill is too expensive. The programs added by the leadership total \$ 1.1 billion in additional spending above and beyond the request made by the President.

Not only does the bill add \$ 1.1 billion in new programs, it also reinstates \$ 62 million of programs targeted for elimination by the President, who called many of the programs worthy of termination or unneeded.

I do not see why we are authorizing \$ 13 million for the education of native Hawaiians when the President said native Hawaiians can receive sufficient funds under such formula grant programs as Title I, Even Start, and Special Education. Did we forget our intent to focus scarce Federal dollars on broad national education concerns, rather than on specific constituencies?



This bill is too prescriptive and restrictive. Mandating teacher certification is an infringement on the traditional rights of State and local educating agencies.

The Federal Government is entering the jurisdiction of local and State educational concerns, for the first time, by mandating teacher certification for full-time teachers. For the Federal Government to tell local schools who they can hire is a scary thought.

The bill dictates how to make education work for all States in its opportunities to learn mandate. It is an unfunded mandate. This provision requires schools to set opportunity to learn standards and issue annual reports on everything from how many textbooks the school has, to classroom size, to what kind of computers the school can buy, but provides no funds to do so. Therefore, schools will be forced to implement this mandate with chapter I funds, neglecting economically disadvantaged children in favor of fulfilling a new Federal mandate.

I do not believe that President Clinton or Secretary Riley, both former Governors, really want this expanded role for the Federal Government. It wasn't the bill they brought to us last year.

Now, let us either clean this bill up or reject it and start over. Think about it, we provide only 5 percent of the funds to local educating agencies and we're mandating 100 percent of their activities.

#### **Excerpts from Senate Debate July 27, 1994**

The Chair recognizes the Senator from Kansas (Mrs. Kassebaum ).

Mrs. KASSEBAUM. Mr. President, I rise to express support for S. 1513, the Improving America's Schools Act of 1994.

This legislation, as has been pointed out in the earlier part of the opening debate, reauthorizes a number of beneficial programs that were established under the Elementary and Secondary Education Act.

The Federal Government provides a relatively small share of the financial assistance offered to our Nation's elementary and secondary schools-about 6 percent.

Nevertheless, the Federal investment has been and is substantial, and funding for the programs included in ESEA currently exceeds \$ 10 billion.

The Elementary and Secondary Education Act was first enacted in 1965. I think that is important because I think a lot of people assume this is new legislation. Instead, for nearly 30 years, ESEA programs have allowed schools across the country to offer services that they might otherwise be unable to provide. The \$ 70 million which schools in Kansas receive is greatly valued, and I am sure that every Member of this body can say the same about their own States.

Beyond dollars and cents, however, are the tangible contributions which ESEA support has made to the improvement of education.

Years ago, efforts that I began as a volunteer to start a library in my children's school received an enormous boost when ESEA was enacted and funds became available to help establish a library in the elementary school.

More recently, I have had the opportunity to visit schools throughout the State and to see that my own experience was not unique. The combination of creative teachers and a little Federal funding is a powerful one, indeed.

The largest of the ESEA programs, chapter 1, provides extra help to educationally disadvantaged children, particularly in the areas of reading and math. The additional services made available under chapter 1 often spell the difference between a child's getting a solid foundation in skills needed for future educational success or simply muddling through years of school without these skills.

Another valuable program, I believe, Mr. President, is the chapter 2 block grant program, which allows States and localities great flexibility in supporting school improvement projects. Locally designed initiatives under chapter 2 make it possible to reflect the needs and priorities with the individual school districts. It is for this reason that local school officials have always enthusiastically supported chapter 2. As a former school board member, I place particular value on the views of those on the front lines of education, and those are the voices that we need to hear.

The chairman has gone through, as did the Senator from Rhode Island (Mr. Pell ), the ESEA programs. Just to briefly reiterate some that I think are important: Even Start, which encourages parents to learn along with their children; impact aid, which has always made a difference in those areas which have significant Federal property because it provides Federal education funds to those school districts in lieu of lost tax revenue resulting from the presence of Federal property; the Blue Ribbon Schools Program, which recognizes outstanding schools providing an incentive to strive for excellence. It is not a lot of money, Mr. President, but it has made a big difference in the recognition which schools and school districts can achieve and gives them an incentive to continue to strive for excellence in education.

There is the migrant and homeless education programs, which provide supplemental services to children whose educations are disrupted by frequent moves from one school to another; and there is the chapter 1 State-operated program which provides funds for disabled students in State schools and institutions.

In addition to continuing these ongoing efforts, this legislation has a number of positive improvements, I suggest, particularly in the chapter 1 program.

A few highlights: The bill provides schools with greater flexibility to combine funds from various ESEA programs. This will make it possible to provide education services in more coordinated, comprehensive, and innovative ways. Too often today, we find that a great deal of time is spent figuring out how to fit a child into a set categorical program, rather than figuring out how to fit the program to the child.

The bill allows States to use their own assessments to measure the effectiveness of chapter 1, rather than tying them to dubious and often inappropriate standardized tests now selected by the Department of Education.

The bill more effectively targets chapter 1 funding to the poorest schools and allows States to use more accurate data to identify high poverty school districts. [\*S9874]

It puts in place a system that will help guard against applying a lower set of expectations for disadvantaged students.

It increases the level of parental involvement in chapter 1 programs Mr. President, and I believe this is very important. I think we have come to recognize that just teachers and more money and Federal efforts are not going to solve education problems. It really takes parental caring and involvement and a student's recognition of the importance of that involvement which gives them incentives to learn and study. So I think encouraging that parental involvement, particularly in the chapter 1 programs, is very important.

Over the course of the past several months, the Committee on Labor and Human Resources has spent a great deal of time developing this legislation. I know it was pointed out earlier that this, of course, is an enormously large bill. As I pointed out, I am not quite sure why the administration's proposal regarding the reauthorization was marked out and included in the bill, and then the new portion was printed as well. It does make it look even longer than it is. But we spent a lot of time analyzing and debating and holding hearings on this reauthorization.

I am particularly pleased that the committee adopted changes which reaffirm local control and flexibility. Although I have the greatest respect for Secretary of Education Riley, I do feel that the original administration proposal went too far in trying to direct State and local education policies well beyond the chapter 1 program. I and others were concerned as well about the number of mandates which the original bill would have imposed on States and localities. I am pleased that this measure departs in several significant respects from the companion bill, H.R. 6, that was approved by the House of Representatives earlier this year.

In particular, S. 1513, the legislative language that we are considering now, does not contain any language dealing with so-called opportunity-to-learn standards. Such standards deal with issues such as resources, facilities, instruction material, and class sizes, all of which are areas that I believe are clearly State and local responsibilities.

Any time that Federal funds are involved, there is always a tension between the Government's need for accountability and the recipient's judgment about how the funds might be most effectively used.

The fine line between welcome Federal support and inappropriate interference is one that we are frequently asked to define.

In the areas of education, I think it is particularly critical that we take great care in doing so. The vitality and success of education, particularly at the elementary and secondary level, is directly linked to the level of community involvement in the enterprise. I believe S. 1513 strikes an appropriate balance.

As is often the case with a large piece of legislation which has undergone many, many revisions, there has been a certain amount of confusion about several aspects of this bill. So having mentioned some of the things which S. 1513 does do and which I feel are positive, I want to lay out some of the things which it does not do.

S. 1513 does not mandate that home school parents be certified as teachers. There has been a great deal of confusion about this, and I want to reiterate: It does not mandate that home school parents be certified as teachers. Language has been specifically included in the bill to make it clear that home schools, as well as private and religious schools, are not affected by this legislation.

Nothing in S. 1513 mandates the adoption of national standards or outcomes-based education. Decisions about curriculum and instructional methods continue to be left to the State and local school board. They are not assigned to the Federal Government and, I suggest, never should be. In fact, the bill contains specific language which prohibits the Federal Government from prescribing or mandating curriculum or the allocation of resources. Nothing in S. 1513 would dictate how the State and local funds are spent on education.

S. 1513 includes specific language assuring that its provisions will not lead to the imposition of unfunded mandates.

Finally, S. 1513 does not authorize the use of Federal funds for school-based health clinics. It does not authorize the use of funds for school-based health clinics. Such clinics have never been supported with ESEA funds.

One disappointment I do have with this legislation is the fact that it adds a number of new programs to the Elementary and Secondary Education Act, and that is what some of those extra pages contain, Mr. President, without getting rid of any of the old programs. The administration even recommended eliminating some of the old programs, but that was not supported by the committee.

Certainly, there is always the temptation to create a new program to address a particular need or interest. Over time, however, this becomes a confusing array of small and almost-but-not-quite-the-same programs. More over, the realities of our budget situation mean that more programs will be chasing scarce dollars.

On balance, this bill moves us in a positive direction. I should like to commend the committee chairman, Senator Kennedy , as well as the leadership of the Education, Arts and Humanities Subcommittee, Senators Pell and Jeffords , for the efforts they have made in shaping a product which commanded strong, bipartisan support in the committee.

I urge my colleagues to join us in approving this measure.

There will be a number of amendments, Mr. President, that we recognize, and that will be an important part of the debate. But I would particularly like to call attention to the time that has been spent by the subcommittee chairman, the Senator from Rhode Island (Mr. Pell ), and the ranking member of the Education, Arts and Humanities Subcommittee, the Senator from Vermont (Mr. Jeffords ).

I yield the floor, Mr. President.

**Excerpt from House Conference Report 103-761 (September 28, 1994)**

LEXSEE 103 H RPT 761  
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Committee Reports  
103d Congress, 2nd Session  
House Report 103-761 Part 1  
*103 H. Rpt. 761; Part 1*

**IMPROVING AMERICAS SCHOOLS ACT**

**DATE:** September 28, 1994. Ordered to be printed

**SPONSOR:** Mr. Ford of Michigan, from the committee of conference, submitted the following

**REPORT**  
(To accompany H.R. 6)

\* \* \* \* \*

**Prohibition on Federal Mandates, Direction, and Control**

87. The Senate amendment, but not the House bill, provides that nothing in the ESEA shall be construed to authorize a Federal employee to control a "State, local educational agency, or schools curriculum or allocation of resources, or mandate costs not paid for under the ESEA.

The House recedes.

**Excerpts from House Debate September 30, 1994**

LEXSEE 140 CONG REC H 10390  
CONGRESSIONAL RECORD -- *House*  
Friday, September 30, 1994  
103rd Congress 2nd Session  
*140 Cong Rec H 10382*

**REFERENCE:** Vol. 140 No. 140

**TITLE:** WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT  
ON H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

**TEXT:** Text that appears in UPPER CASE identifies statements or insertions which are not spoken By a MEMBER of the Senate on the floor. . .

[\*H10390] \* \* \* \* \*

(Mr. GENE GREEN asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, let me say to the earlier speaker, coming from Houston, I stood next to Akeem Olajuwon, and he could stand on it all he wanted, and he would not be 8 foot tall next to Akeem Olajuwon.

I am proud to serve on the committee, and I would like to thank the chairman, the gentleman from Michigan (Mr. Ford), and the subcommittee chairman, the gentleman from Michigan (Mr. Kildee), for all of their work.

This bill has been read. The folks who are opposing this bill have had a year and a half to read this bill. We have had a year and a half of hearings here in Washington and all over the country on reauthorizing elementary and secondary education. We have spent time reading.

We have heard from our constituents, and again, we can read the bill, and I have read it, but it does not mean that you may be able to understand it just by reading it, because it does a great many good things.

Let me correct some of the fallacies we have heard this morning. This is more Federal control: by one of my colleagues on the committee. There is much less Federal control in this bill than any reauthorization bill that has come up.

Let me read the mandate section alone, the first time the conference committee has put this in an education bill: "Nothing in this act shall be construed to authorize any officer or employee of the Federal Government to mandate, direct, or control a State or local agency, education agency, or school's curriculum, program, instruction, or allocation, State or local resources, mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this act."

People have been asking for years, do not send us mandates unless you send the money. We are not doing it in this bill, and everyone who votes against this rule, votes to recommit, or votes against the bill, will be voting against that language. For the first time, we actually are not sending mandates without money.

This bill is one of the most far-reaching education bills we have ever passed in the 30 years of Federal funding.

Let us talk about the prayer amendment. This prayer provision in here is not what the House had, and I voted for the instructions for the House. But we could not get that in conference committee. But I will tell you what; Senator Helms voted for this amendment that is in here on the floor. Senator Helms did, and if I, as a Democrat, follow what Senator Helms did in the Senate on prayer, I think I am probably in pretty good shape.

The people supporting the bill are a broad spectrum: education leaders, obviously religious leaders. That is why I encourage all of the Members to vote for the rule and ultimately vote against the motion to recommit.

**Excerpts from Senate Debate October 7, 1994**

CONGRESSIONAL RECORD -- Senate  
Friday, October 7, 1994  
(Legislative day of Monday, September 12, 1994)  
103rd Congress 2nd Session  
140 Cong Rec S 14751

REFERENCE: Vol. 140 No. 145-Part II

TITLE: FINAL PASSAGE OF ESEA CONFERENCE COMMITTEE AGREEMENT  
AND GENERAL COMMENTS ON EDUCATION REFORM

SPEAKER: MR. DURENBERGER

TEXT: .

[\*S14751]

Mr. DURENBERGER. Mr. President, on Wednesday I voted to pass the conference committee report on H. R. 6-legislation reauthorizing the Elementary and Secondary Education Act (ESEA).

Again, I want to thank Senators Kennedy, Kassebaum, Pell, and Jeffords for their leadership during this long and at times, contentious process. They hung tough in shaping this legislation despite very strong opposition from the House of Representatives and from some members in this body as well.

It has been a privilege and a pleasure to serve with my colleague on the Labor and Human Resources Committee. Our ability to work together on a bipartisan basis has resulted in some very important legislation. From Direct Lending and National and Community Service to Goals 2000 and ESEA, we have made a contribution to reforming education in this country.

**HIGHLIGHTS OF THE BILL**

While some provisions in this bill concern me, overall I am pleased with its final form.

Unfortunately when it comes to formulas, there will always be winners and losers. The title 1 formula in this bill seems to focus on Federal money to the poorest children and the communities and States most in need of assistance. My own State of Minnesota tells me that this is a formula that they can live with.

Reasonable compromises were reached on a number of difficult social issues including school prayer, school violence and school health related issues.

There are provisions which address one of my great concerns-federalizing education. Senator Gregg's amendment regarding unfunded mandates is now part of this legislation. It is clearly stated that if any requirement in this bill results in an unfunded mandate, affected States and communities don't have to comply. In addition, the Secretary of Education may not decide what standards or assessments a State may use. Finally, the bill prevents federally mandated opportunity to learn standards.

#### INCLUSION OF CHARTER SCHOOLS AND THE COMMUNITY SCHOOLS PARTNERSHIP ACT

There are two provisions in this bill I want to briefly discuss. I am very pleased that my recommendations regarding the Charter Schools Program were accepted by the conference committee. The changes I proposed authorize a stronger role for States in awarding grants, defer to States what public agencies may charter schools, and promote a stronger leadership role on charter schools for the U.S. Secretary of Education.

The legislation makes clear that charter schools must be non-sectarian, may not charge tuition and may not discriminate in admitting students. Charter schools have been authorized in 10 States and a dozen or more States are actively considering legislation to authorize charter schools.

I am also excited about inclusion of the Community Schools Partnership Act which creates and develops community-based, volunteer operated foundations in primarily low-income neighborhoods, towns and cities throughout the United States. These partnerships will improve education achievement levels and increase access to educational opportunities for all students.

#### CONGRESS CONTINUES TO STRUGGLE TO DEFINE A PROPER FEDERAL ROLE

Mr. President, I noted at the beginning of my remarks that this legislation was developed over a period of many months in a bipartisan process involving the Clinton administration and both Republicans and Democrats on the Senate Labor and Human Resources Committee.

Even though I don't agree with every item in this bill, I respect the process that produced it. I feel that I have had a sufficient opportunity for input-many of my own ideas were incorporated. And I believe it now deserves to become law. [\*S14752]

On a more personal note, ESEA also represents my last opportunity to vote on a major education bill before I leave the U.S. Senate. I can't let that opportunity pass without offering at least a few more general comments on the Federal Government's role in helping to prepare future generations of Americans for work and for life.

Sixteen years ago, I entered the Senate at a time when much of the so-called education debate in this chamber was about creating a Federal department of Education.



I supported creating that Department, Mr. President. And, I opposed efforts early in the 1980's to dismantle the new Department ;once it had been created. I continue to support a limited and appropriate federal role in education to this day-most recently exemplified by my support for cloture and final passage of the ESEA reauthorization bill now before us.

## ESSENTIAL PRINCIPLES FOR REFORM: COMPETITION AND CHOICE

A second major education issue during that period, Mr. President, was what role vouchers and tuition tax credits might play in expanding educational choices for America's parents and students.

I was an active participant in that debate on the side of those who wanted to expand parent choices-not just beyond traditional public schools but among public schools as well.

One of my mentors in those days-and still a frequent advisor-was Joe Nathan, a former teacher and administrator in the St. Paul public schools who now heads the Center for School Change at the University of Minnesota.

Back in the early 1980's Joe Nathan wrote a far-reaching book called "Free to Teach" in which he outlined the kinds of reforms in education needed to make it possible for both teachers and students to do their jobs better.

I talked about that book in a speech I gave at Hamline University in St. Paul 10 years ago next month. And, at the risk of repeating a gross over generalization, I described Joe Nathan's ideas as falling under two simple principles.

"One of those principles focuses on the student and one on the teacher, " I told the audience at Hamline. "One is 'choice' and the other is competition'."

About a year before I gave that speech, many Americans were shocked to learn that we were "A Nation at Risk." A blue ribbon commission appointed by President Reagan identified a whole litany of flaws and short-comings in our Nation's education system summed up by the following chilling quote:

"If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."

## A NEW EMPHASIS ON IMPROVED PERFORMANCE AND QUALITY

Despite this strong indictment-and a whole host of other reports from a variety of credible critics-it wasn't until the Education Summit called by President Bush in 1989 that an appropriate role for the Federal Government in addressing these shortcomings began to emerge.

Out of that Education Summit-involving the President and the nation's governors-came our first National Education Goals.

To help achieve those goals, President Bush and Education Secretary Lamar Alexander then launched a proposal they called America 2000.

I was a strong supporter of the Bush-Alexander initiative and proud that it was unveiled at the Saturn School of Tomorrow in St. Paul, MN. Beyond all the bells and whistles and rhetoric, the President used this opportunity in St. Paul to introduce a new national purpose in education.

Previously, the Federal Government's interest and involvement in education focused primarily on equalizing access to opportunity for every American child-the traditional goal of chapter I, special education, and other Federal education programs.

The Federal Government's interest in education was now being extended to quality-to results-to setting goals and measuring improvement in what students actually learn.

Most important, the Federal Government's role was to be enabling and empowering-for States, for school districts and individual schools, for parents and teachers and students-the Federal Government setting broad goals, creating opportunities, providing modest resources-but leaving decisions on how to achieve those goals up to those who know best-in each local community.

#### A NEW, BROADER DEFINITION OF "PUBLIC EDUCATION"

One of the central themes of the Bush-Alexander initiative was school choice-harkening back to the voucher-tuition tax credit debate of the early 1980s, but also incorporating new lessons that were being learned about school choice in various States including Minnesota.

Unfortunately, the Bush-Alexander initiative did not incorporate one of the key lessons being learned as States began to allow parents more control over which schools or programs their children attend.

Put simply, as the Bush-Alexander initiative bogged down in the Congress over whether choice programs should include both public and private schools, States like Minnesota were moving beyond that debate to fundamentally redefine American public education.

Minnesota did that first with its Post-secondary Options Program-allowing juniors and seniors in high school to attend ;public or private post-secondary institutions at State expense.

Minnesota also moved quickly to encourage new and alternative ways of delivering public education-through private, non-profit organizations under contract with local

districts, through new area learning centers, that serve at-risk students and students who have dropped out of high school, and-in a landmark piece of legislation adopted in 1991-by allowing parents and teachers to form new, innovative "charter public schools."

Tying these new ways of delivering public education together is Minnesota's Open Enrollments Program-which allows students to cross district boundaries and attend the public school of their choice-anywhere in the state where there is room for them.

Taken together, then, Minnesota meets the challenging principles for reform summarized in Joe Nathan's book, "Free to Teach"-choice and competition.

No longer do Minnesota public school districts have an exclusive franchise on public education within a pre-defined geographic area. Minnesotans now have not just choice-but a number of ways of creating more choices.

To help promote the charter school idea nationally, I joined with Senator Lieberman in 1991-and with a larger bipartisan group of both Senators and Representatives in 1993 to introduce what I then called the "Public School Redefinition Act."

As I noted earlier, this legislation-creating a new Federal grant program to support the start-up of charter schools-is now incorporated into H.R. 6.

#### MAJOR EDUCATION INITIATIVES IN THE 103D CONGRESS

Before I close, Mr. President, I'd like to briefly note the other major accomplishments of this Congress in the broad area of education and education reform. Despite the partisanship and legislative gridlock we're experiencing in a number of important issue areas, I'm pleased that there has been a great deal of bipartisanship, cooperation, and action on a number of major education initiatives in this 103d Congress.

The first of these initiatives-launching a new direct student loan program-actually had its roots in legislation initially authored by Congressman Tom Petri. Senator Paul Simon and I introduced similar legislation to the Senate in the fall of 1991. The Petri/Simon/Durenberger "Income Dependent Education Assistance (IDEA) Act" was designed to reduce costs and offer needed flexibility for students burdened by ever-rising levels of debt and student loan defaults.

The Congress incorporated a pilot program modeled on the IDEA proposal in the Higher Education Amendments of 1992. And, the same concepts were then picked up by President Clinton and introduced in the spring of 1993 and incorporated in last year's major budget initiative. I was pleased to be the lead Republican cosponsor of this important proposal, along with Senator Kennedy, the chair of the Labor and Human Resources Committee. [\*S14753]

Renamed the Ford Direct Loan Program, a growing percentage of student loans will now be directly by the Federal Government through schools. And consistent with the

flexibility offered by the Petri/Simon/Durenberger IDEA proposal, students will be able to repay their loans as a percentage of their post-college incomes.

In addition to reducing the level of student loan defaults, this new program will eventually save several billion dollars a year in administrative expenses-making an important contribution to deficit reduction at the same time we're improving access to an important Federal program.

A second major initiative in this Congress, Mr. President, is the National and Community Service Trust Act. Again, I felt privileged to be the lead Republican cosponsor of this legislation, along with Senator Kennedy, that was given final approval just over a year ago. The first national service participants-in the new program called AmeriCorps-were sworn in by President Clinton earlier this fall.

I'm especially pleased that at my insistence, this legislation incorporated the word Community into its purpose and its title-as well as the name of the Corporation for National and Community Service that will give this program its overall guidance and direction. And, I'm pleased that the legislation included a series of studies and demonstrations I suggested as a way of refining and focusing the mission of this important new initiative prior to its first reauthorization in 3 years.

While most of the attention given to this new program is going to the stipended service opportunities it offers, I continue to believe its greatest contribution will come through its Educate and Serve America programs-grants to States, schools, community organizations and others to help integrate community service opportunities into the elementary, secondary and post-secondary school curriculum.

These goals were given an added boost through legislation that Senator Wofford and I introduced last year called the Wofford-Durenberger Service Learning Act. Portions of that legislation were included in both the National and Community Service Trust Act and the ESEA reauthorization legislation.

My own State is a national leader in service learning, Mr. President-an aspect of this movement that's a critical element in broader education reform. If young people are given the opportunity to serve their communities, I believe they can be a powerful force for change and improvement in their lives and in the quality of life for all those around them. And, if properly incorporated into the school curriculum, I'm convinced that community service opportunities can help produce improved educational results.

A third major educational initiative in this Congress, Mr. President, was the School to Work Opportunities Act. I was again pleased to act as the lead Republican cosponsor of this legislation-once more linking up with my distinguished colleague from Illinois, Senator Paul Simon.

The School to Work Opportunities Act assigns a limited but collaborative role to the U.S. Departments of Labor and Education to encourage States and local communities to start local workplace learning initiatives including youth apprenticeships.

These new initiatives are aimed at the majority of young people who will never finish college. Most of them won't even begin college, yet there's a growing recognition that today's competitive marketplace requires employees who have skills that go well beyond the capacity of many high school graduates.

I'm especially pleased that this new legislation includes sections I authored creating a national clearinghouse for information on work-place learning, as well as expanding eligibility under this legislation for workplace learning programs that begin at a younger age and that link the large number of young people who work part-time to teachers and others who can make that work experience a part of their education. And, I was pleased to make several major contributions to the governance sections of the bill-more clearly focusing accountability and responsibility for these programs within State government.

A fourth major education initiative in this Congress, Mr. President, was passage of legislation reauthorizing the Federal Head Start Program. While this legislation continued to expand the authorized funding level for this vital program, it also paid increased and needed attention to Head Start Program quality and accountability.

That's essential, Mr. President, if we are to begin to achieve the first of our National Education Goals-ensuring that every child starts school ready to learn.

My own contributions to the Head Start reauthorization were largely based on the input I received from Minnesotans-particularly on the need to encourage a greater degree of collaboration between Head Start, federally subsidized child care programs, and other programs that assist low-income children and their families.

I was pleased to discover during this reauthorization that at least some collaborative activity is now going on. But the changing needs of today's low-income families will require more-including linkages and even comingling of funds from child care and Head Start programs, more flexibility in offering full-day Head Start services for parents who are in school or working, and increased access to at least some Head Start services for families who are income-eligible, but not formally enrolled in a Head Start Program.

A final important education initiative in this Congress, Mr. President, is the Goals 2000 legislation that was approved earlier this year.

Members of this body worked long and hard to make sure Goals 2000 would not become a new Federal license to run local schools. I believe we succeeded-by eliminating much of the prescriptive language preferred by the House. In particular, I'm pleased we were able to keep the role of input-oriented Opportunity to Learn Standards to a minimum-clearly an optional part of state and local reform initiatives.

And, I'm especially pleased that the final version of Goals 2000 includes the provisions I had suggested that authorizes the use of school improvement funds to help start charter schools and other innovative public schools, to support public school choice, and to help launch programs that offer parents and students useful consumer information to help them make wise educational choices.

I'm also pleased that Goals 2000 includes a provision I authored along with Senator Hatfield that makes it possible for up to six States to be delegated authority to waive Federal rules and regulations. Minnesota has indicated to me that they are interested in being one of those six "super ed-flex" States.

Mandate reform is a part of all the major education initiatives we've adopted this year, Mr. President. That affirms the reality that the best way the Federal Government can be supportive of State and local education initiatives is to simply get out of the way.

Let me conclude these comments where I began, Mr. President, with an appeal to my colleagues on both sides of the aisle to continue the work we have begun to design an effective and proper role for the federal government in education.

Flexibility, choice, competition, parent and teacher empowerment, making the whole community the classroom-these are the essential elements of education reform.

We can encourage high standards, we can give support and encouragement, we can help equalize access to resources, and we can help communicate what works and what doesn't.

But, we can't decide what will work where. And, we can't second guess local communities on how best they will respond to the challenges or opportunities we send forth.

If we follow that guidance, Mr. President, the national government can play a useful and supportive role in improving results-in meeting the challenges articulated by Joe Nathan and A Nation at Risk and the National Education Goals and the needs and aspirations and potential of every American child.